

EXTENSION OF UNEMPLOYMENT COMPENSATION PROGRAM
(P. L. 767 - 83d CONGRESS)

1. HIGHLIGHTS OF PROGRAM AND COVERAGE OF CIA EMPLOYEES UNDER P. L. 767

a. In the last session of Congress, an unemployment compensation program, applicable to most Federal employees, was established. In brief, it provides for the payment of benefits, beginning in 1955, to an unemployed Federal employee at no cost to himself by the appropriate state employment security agency if the employee is eligible therefor under the provisions of the law of the state concerned. Eligibility requirements and the amount and duration of benefits vary among the states. At the time an employee separates from the Federal government, he may visit the local office of the state employment service, register for work and claim benefits if no suitable work is found for him. Benefit rights are determined by the law of the state in which the employee had his last official station (headquarters or duty station as evidenced by a personnel action), except that the state of residence governs his benefit rights if his last official station was outside the U. S., or he performed service in private industry covered by the state law after termination from Federal employment. If he filed his first claim in Puerto Rico or the Virgin Islands, the law of the District of Columbia applies. Although eligibility criteria vary among the states, these basic factors are uniformly required: (1) must register for work and file a claim; (2) be unemployed; (3) be available for work; (4) be able to work; and (5) periodically report to the local office as directed. Ordinarily, an employee is ineligible if he quit his job voluntarily without good cause, was discharged for misconduct or refuses a suitable job without good cause.

b. P. L. 767 generally extends coverage to all Federal employees except certain categories of personnel specifically excluded, and each agency is responsible under the law for making individual determinations of employee eligibility. Among the types of Agency employees excluded from the program are non-U. S. citizens employed outside the United States, and employees paid on a contract or fee basis. This provision in effect would entail coverage of Staff Employees, Staff Agents and temporary part-time or WAE employees appointed by a personnel action (unless they receive a compensation of \$12 or less per annum).

c. Other basic responsibilities of Federal agencies defined in the Regulation of the Department of Labor include the following:

(1) Furnishing information to its employees about the Program (dissemination of internal instructions and information);

(2) Completing and furnishing to each separatee Standard Form 8, Notice to Separated Federal Employee in accordance with its instructions;

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(3) Providing state agencies or the Secretary of Labor the following specific findings on Form ES-931: (a) whether the claimant has performed Federal service during the base period, i.e., between the dates designated on the Form by the requesting state; (b) the employee's wages for the period; and (c) the reasons for his termination;

(4) Controlling the Forms ES-931 so that the agency can determine at any time the number of Forms transmitted to the states to avoid duplicate claims arising from the fact that a claimant can apply at any employment office within the 48 states or territories for benefits to be paid by the appropriate state agency⁷;

(5) Returning Form ES-931 within four working days of its receipt in the Agency or inform the appropriate state of the estimated time when it can be returned;

(6) Furnishing to state agencies or the Secretary of Labor any additional information (not otherwise prohibited by law from releasing) that may be necessary.

2. SECURITY AND ADMINISTRATIVE PROBLEMS INVOLVED IN COMPLIANCE WITH P.L. 767

a. Execution of Form ES-931 - transmitted directly to the employing agency - necessitates the disclosure of certain information which in some cases would be undesirable from a security standpoint. These data concern the name of the individual, social security number and place of employment. The state agency concerned enters on the Form the prescribed period of time which constitutes the base period, under the laws of that state, for figuring benefits and requests the employing agency to fill in the amount of Federal wages paid during the period. (This entry includes allowances and terminal leave.) The Form also requires an indication of the reason for the employee's termination and his last headquarters station or duty station if different. In most cases, the reason for termination cited on the personnel action will suffice, although Mr. Wharton, Director of the District of Columbia office has stated (in the 1 November meeting conducted on this subject by the Department of Labor) that the phrase "resignation" is not sufficient and Forms bearing this statement will be returned for clarification. Certain states will require either additional information from that prescribed in the Form or certain data in lieu of one or more items on the Form. The four working days allotted for the return of these Forms presents an administrative problem. The procedures established by the Department of Labor provide for execution of the Form by payroll offices. This arrangement is in recognition of the fact that the data essential to the reporting of Federal wages, as defined by Regulations and inclusive of allowances, etc., are maintained by such offices. It was also indicated in the meeting, referenced above, that the "four-day period" makes it imperative to make one office responsible for providing the necessary data. However, the necessity for reporting the reason for an employee's separation may require the development of a secure explanation to further amplify the phrase "resignation" on personnel actions.

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b. Department of Labor Regulations also prescribe that the agencies will provide a notice to each separated Federal employee, covered by the law, relative to their rights and procedures for making application. The Form (SF 8) informs the employee that he should take it, his Social Security card and his Standard Form 50, or similar document, to the nearest public employment office. In preparing the notice, the agency concerned is required to insert the name and address of the office where payroll records are maintained. This latter information serves as the basis for further inquiry by the state agency concerned. Processing of these Forms raises various administrative and security problems, among them the following:

- (1) Agency affiliation must be stated;
- (2) The procedure contemplates that the journal action, or some other document, will be carried by the claimant to the employment office. In the Agency, only vouchered employees receive an SF 50. However, in the 1 November meeting it was indicated that an SF 8 would be sufficient if an SF 50 were not available at the time of the employee's separation.
- (3) The procedures provide that the SF 8 will also be given the employee when he is transferred or placed in a nonpay status for an extended period.
- (4) Present plans call for the provision of quarterly employment and payroll reports to state employment security agencies, but this procedure has not yet been formalized.
- (5) SF 8 must be ordered by the Agency from General Services Administration.

c. Under the new Federal unemployment compensation program, each claimant must have a Social Security card before obtaining benefits. It does not appear, however, that Agency personnel would have to secure cards until they applied for benefits. In this regard, a representative of the Department of Health, Education and Welfare indicated his Department wished to advise against Federal employees rushing en masse to obtain them for this purpose.

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